

REMARKS

The Office has rejected pending claims 1-9 for anticipation by Reiter et al. (HCAPLUS database accession number 380326) or Andreasch (HCAPLUS database accession number 9676).

As noted by the Office, both of these references disclose compositions in which the substituent corresponding to R₃ in the present claims is hydroxyl (-OH). Claim 1 has now been amended to delete hydroxyl as a possible substituent for R₃, and the rejections are now moot.

In addition, claims 1-9 have been reworded for clarity to emphasize that the subject matter claimed is that of pharmaceutical compositions and not chemical compounds in any form. No new matter has been added, and the scope of the claims has not been altered by this rewording.

Finally, as discussed with the Examiner in a telephone conversation, Applicants have added new claims 10-29, directed to methods of using the instantly claimed pharmaceutical compositions. Applicants understand that these claims will be restricted until claim 1 is found allowable at which point they will be rejoined and considered on the merits. Support for new claims 10-29 is found throughout the specification, for example, at pg. 2, ll. 5-12; pg. 8, ll. 4-13; pg. 15, ll. 24-28; and pg. 21, l. 22 – pg. 22, l. 5. The phrase “disease of excess cell proliferation” is merely a rephrasing of “condition in which the occurrence of cell death is too low” found, for example, at pg. 11, ll. 5 (M.P.E.P. § 2163.07(I)). No new matter has been added by any of these amendments.

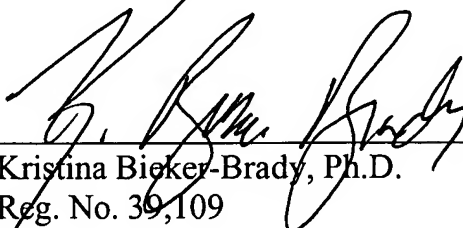
CONCLUSION

Applicants assert that the claims are in condition for allowance, and such action is respectfully requested. Enclosed is a Petition to extend the period for replying to the Office action for three months, to and including June 13, 2006, and a check in payment of the required extension fee. Also enclosed is a check for \$225.00 in payment of fees for nine claims in excess of twenty. If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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Kristina Bieker-Brady, Ph.D.
Reg. No. 39,109

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045